

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE LINERBOARD ANTITRUST LITIGATION	MDL No. 1261
THIS DOCUMENT RELATES TO: ALL BOX CLASS ACTIONS (Civil Action 99-1341)	Hon. Jan E. DuBois

MOTION FOR DIRECTION ON DISBURSEMENT

Liaison Counsel and Lead Counsel (“hereinafter “Counsel”) for the Box Class moves for instruction from the Court regarding disbursement of recently discovered funds:

1. Counsel was recently advised by the accountants retained to oversee and administer Box Class Counsel’s accounts during the course of the litigation and to oversee, administer and distribute settlement funds of the existence of an account in Republic Bank relating to *In re Linerboard Antitrust Litigation* containing \$172,051.43.
2. Counsel had not received statements for the account and had believed that all funds in the *Linerboard Litigation* had been disbursed over ten years ago.
3. The passage of time made ascertaining the nature of the account difficult. However, counsel is now reasonably certain that the original account contained funds used by attorneys for the Box Class to pay the ongoing costs of litigation. The account was originally funded by assessments upon the attorneys representing the Box Class. After the initial settlements were approved by the Court the accounts were funded by the initial settlements pursuant to Court Orders approving specific transfers.
4. Counsel has ascertained with reasonable certainty that all attorneys representing the Box Class were reimbursed all of their costs, including their assessments to the cost fund, at

the time that fees and costs were allocated pursuant to *In re Linerboard Antitrust Litig.*, No. MDL 1261, 2004 WL 1221350 (E.D. Pa. June 2, 2004), *amended*, No. MDL 1261, 2004 WL 1240775 (E.D. Pa. June 4, 2004).

5. Counsel has also ascertained with reasonable certainty that the account does not contain funds of the class itself because such funds had been kept in separate accounts and all such funds were accounted for in the Final Report on Claims Administration, dated June 15, 2006, and particularly, the letter of Michael Bancroft, CPA, of June 14, 2006, included therein.

6. Counsel has conferred with the three firms that had the greatest involvement in the *Linerboard Litigation* and all concur in Counsel's recommendation that the funds in the account be directed to an appropriate charity or charities.

7. In its Order and Memorandum of October 3, 2008, this Court directed distribution of remaining funds in the *Linerboard* matter to the Philadelphia Bar Foundation. That Order was entered without objection.

8. Counsel suggests that the funds be directed to the Philadelphia Bar Foundation consistent with the Order and Memorandum of October 3, 2008, and requests that the Court so direct. A proposed Order is attached.

Dated: January 19, 2017

Respectfully,

/s/Howard Langer

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***Plaintiffs' Liaison Counsel for All Actions
And Lead Counsel for the Corrugated Box
Plaintiffs***

CERTIFICATE OF SERVICE

On this date, the foregoing Motion for Direction on Disbursement was filed electronically and served on all counsel of record via the ECF system of the United States District Court for the Eastern District of Pennsylvania.

Dated: January 19, 2017

/s/Howard Langer

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